APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,836	12/27/2001	James C. Bedingfield SR.	BS01-271	9846

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EXAMINER
OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/026,836</td><td>Applicant(s)
BEDINGFIELD, JAMES C.</td></tr>
<tr><td>Examiner
Jonathan Ouellette</td><td>Art Unit
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</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *21 January 2004*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *3,10-15,18-40,42,44-47 and 51-64* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *3,10-15,18-40,42,44-47 and 51-64* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 1/21/2004 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/026,836 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. Claims 1-2, 4-9, 16-17, 41, 43, and 48-50 have been cancelled; Claims 54-61 have been added; therefore, Claims 3, 10-15, 18-40, 42, 44-47, and 51-64 are now pending in application 10/026836.

Claim Rejections - 35 USC § 112

3. Claim 63 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 63 is recites a limitation in the canceled system of claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 3, 10-15, 18-40, 42, 44-47, and 51-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (US 2002/0002552 A1) in view of CellPoint ("CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000), and further in view of Schultz et al. (US 2002/0002552 A1).**

7. As per independent Claim 15, Schultz discloses a system for providing location-based yellow pages information, the system comprising: a server including a processor, a network port coupled to the processor, and a memory coupled to the processor, the memory storing a plurality of instructions configured to be executed by the processor, the plurality of instructions including location-based yellow pages database access instructions; a yellow pages database coupled to the server, and a yellow pages database including a plurality of advertiser entries, <u>wherein</u> the plurality of advertiser entries <u>include at least a set of advertiser entries, each advertiser entry of the set of advertiser entries includes</u> advertiser measured location information, wherein the processor is configured to (abstract, para 0016): receive <u>a request of yellow page information from the user, the request including</u> user location information that is determined using information obtained from a telecommunication system <u>and a user selected advertiser category identifier (para 0016-0024, para 0040-0043, Claim 1); interactively communicate with the user to receive a user advertiser subcategory identifier; retrieve</u> one or more advertiser

entries of at least one of the set of the plurality of advertiser entries based at least in part

on at least one of user location information, the user selected advertiser category

identifier and the user selected advertiser subcategory identifier, and presenting the

retrieved one or more advertise entries based at least in part on the user location

information and the advertiser location information of the selected one or more advertiser

entries (abstract, para 0042-0044, Fig.2).

8. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each

advertiser entry of the second subset of advertiser entries lacks advertiser measured

location information.

9. However, Schultz discloses searching a GIS-based search engine to create a "yellow page

reference" (abstract), and sorting the identified results according to a sorting criterion

[relevance] (para 0024, para 0033, para 0049-0050). Schultz also discloses including or

excluding additional advertising information with returned results (para 0051), and it

would have been obvious to include or exclude the address (location) information

provided to the end user (See In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965)

(Omission of additional framework and axle which served to increase the cargo carrying

capacity of prior art mobile fluid carrying unit would have been obvious if this feature

was not desired.); and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a

prior art switch member and thereby eliminating its function was an obvious expedient).

Furthermore, it would have been obvious to one of ordinary skill in the art to sort the

returned results in a multitude of formats to include with address information then

without address information [relevance], for the advantage of charging different fee

structures to either the user or the advertiser, depending on the amount of information provided.

10. Schultz also fails to disclose wherein the received user location information is *measured* location information determined using information obtained from a telecommunication system.

11. However, CellPoint teaches being "automatically located on a map (through Cell Phone integrated GSM positioning technology) and then guided to a destination address or facility such as a restaurant, ATM, petrol station, drugstore, etc." ("CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000).

12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the received user measured location information is determined using information obtained from a telecommunication system, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).

13. As per Claim 3, Schultz and CellPoint disclose wherein each advertiser entry of at least the subset of the plurality of advertiser entries includes additional advertiser data.

14. As per Claim 10, Schultz and CellPoint disclose a voice extensible markup language server coupled to the server.

15. As per Claim 11, Schultz and CellPoint disclose wherein the server includes voice extensible markup language server instructions.

16. As per Claim 12, Schultz and CellPoint disclose wherein the server is configured to communicate with a user computer, the user computer including web graphical user interface instructions and user measured location information.

17. As per Claim 13, Schultz and CellPoint disclose wherein the server is configured to communicate with a wireless communications device, the wireless communications device including microbrowser instructions.

18. As per Claims 14, 21, and 23, Schultz and CellPoint fail to expressly discloses an advanced intelligent network ("AIN") service control point ("SCP") coupled to the server, the AIN SCP coupled to a measured location information database, the AIN SCP configured to receive a phone number location query including a phone number and to send a location response including measured location information associated with the phone number.

19. However, Schultz does disclose providing search results based on any unified geocoding system inputted by the user (para0040), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the user with business measured location information based on a telephone number search, as such correlation databases were well known at the time the invention was made, and would simply be a matter of correlating a phone number with business location information instead of a street address.

20. As per Claim 18, Schultz and CellPoint disclose wherein the advertiser measured location information and the user measured location information include longitude and latitude information.

21. As per Claims 19, 20, 38, 39, 45-47, 52, 53, 55, 57, and 61, Schultz and CellPoint disclose wherein the advertiser measured location information and the user measured location information are based at least in part on two-dimensional location information, three dimensional location information, or longitude and latitude information.

22. As per Claim 22, Schultz and CellPoint disclose wherein the server sends the location query to a wireless network.

23. As per Claim 24, Schultz and CellPoint disclose wherein: each advertiser entry of the first subset and second subset of the plurality of advertiser entries includes an advertiser category identifier to store one or more advertiser category identifiers; and the server is configured to receive user measured location information and a user advertiser category identifier.

24. As per Claim 25, Schultz and CellPoint disclose wherein: the server identifies one or more advertiser entries of the first subset of the plurality of advertiser entries based at least in part on the user advertiser category identifier; the server presents the identified one or more advertiser entries of the first subset of the plurality of advertiser entries based at least in part on the user measured location information, and the advertiser measured location information of the identified one or more advertiser entries of the first subset of the plurality of advertiser entries; the server identifies one or more advertiser entries of the second subset of the plurality of advertiser entries based at least in part on

the user advertiser category; and the server presents the identified one or more advertiser entries of the second subset of the plurality of the advertiser entries.

25. As per independent Claims 26 and 44, Schultz discloses a method (system, computer-readable medium) for providing location-based yellow pages information, the method comprising: storing a plurality of advertiser entries in a yellow pages database, <u>wherein the plurality of advertiser entries include at least a set of advertiser entries</u>, each advertiser entry of <u>the</u> set of advertiser entries <u>includes</u> an advertiser identifier field to store an advertiser identifier, an advertiser category identifier field to store one or more category identifiers, and an advertiser location information field to store advertiser location information (abstract, para 0016, Claim 1); receiving <u>a request for a yellow page information from a user, the request including</u> user location information that is determined using information obtained from a telecommunication system without user intervention <u>and a user selected advertiser category identifier</u> (para 0016-0024, para 0040-0043, Claim 1); <u>interactively communicating with the user to receive</u> a user <u>selected</u> advertiser <u>subcategory</u> identifier; <u>retrieving</u> one or more advertiser entries of the plurality of advertiser entries <u>from the yellow page database</u> based at least in part on <u>at least one of</u> the user advertiser category identifier <u>and the user advertiser sub-category identifier</u>; and presenting the <u>retrieved</u> one or more advertiser entries based at least in part on the user location information and the advertiser location information of the selected one or more advertiser entries (abstract, para 0042-0044, Fig.2).

26. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each advertiser entry of the second subset of advertiser entries lacks advertiser measured location information.

27. However, Schultz discloses searching a GIS-based search engine to create a "yellow page reference" (abstract), and sorting the identified results according to a sorting criterion [relevance] (para 0024, para 0033, para 0049-0050). Schultz also discloses including or excluding additional advertising information with returned results (para 0051), and it would have been obvious to include or exclude the address (location) information provided to the end user (See In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior art mobile fluid carrying unit would have been obvious if this feature was not desired.); and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby eliminating its function was an obvious expedient). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

28. Schultz also fails to disclose wherein the received user location information is *measured* location information determined using information obtained from a telecommunication system without user intervention.

29. However, CellPoint teaches being "automatically located on a map (through Cell Phone integrated GSM positioning technology) and then guided to a destination address or facility such as a restaurant, ATM, petrol station, drugstore, etc." ("CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000).

30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the received user measured location information is determined using information obtained from a telecommunication system without user intervention, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).

31. As per Claim 27, Schultz and CellPoint disclose wherein receiving user measured location information includes receiving user measured location information sent by a communication device selected from the group consisting of a computer, a fixed-location telephone, a wireless telephone, a wireless communications device, a wireless communications network, and an advances intelligent network service control point.

32. As per Claim 28, Schultz and CellPoint disclose wherein receiving a user advertiser category identifier includes: sending a user advertiser confirmation query; and receiving a user advertiser confirmation response.

33. As per Claim 29, Schultz and CellPoint disclose wherein sending the user advertiser confirmation query includes sending one or more advertiser subcategories.

34. As per Claim 30, Schultz and CellPoint disclose wherein receiving user measured location information includes sending a cookie based at least in part on the user measured location information to a user computer.

35. As per Claim 31, Schultz and CellPoint disclose wherein presenting the selected one or more advertiser entries based at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries includes: determining distance data between the user measured location information and the advertiser measured location information of the selected one or more advertise entries; and organizing a listing of the selected one or more advertising entries based at least in part on the determined distance data.

36. As per Claims 32, 33, 36, 37, and 58-60, Schultz and CellPoint disclose organizing a listing includes organizing from a smallest distance to a largest distance, smallest time period to a largest time period, a telephone exchange area and an area code, or a zip code area and a local access and transport area.

37. As per Claim 34, Schultz and CellPoint disclose wherein selecting one or more advertiser entries of the plurality of advertiser entries based at least in part on the user advertiser category identifier includes: selecting one or more advertiser entries of the second subset of the plurality of advertiser entries based at least in part on the user advertiser category identifier; selecting one or more advertising entries of a third subset of the plurality of advertiser entries based at least in part on the user advertiser category identifier

38. Schultz and CellPoint fail to expressly disclose wherein the selected one or more
    advertising entries of the third subset of the plurality of advertiser entries lacking
    advertiser measured location information.

39. However, as explained above for independent Claim 15, Schultz discloses searching a
    GIS-based search engine to create a "yellow page reference" (abstract), and sorting the
    identified results according to a sorting criterion [relevance] (para 0024, para 0033, para
    0049-0050). Schultz also discloses including or excluding additional advertising
    information with returned results (para 0051), and it would have been obvious to include
    or exclude the address (location) information provided to the end user (See In re Larson,
    340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle
    which served to increase the cargo carrying capacity of prior art mobile fluid carrying
    unit would have been obvious if this feature was not desired.); and In re Kuhle, 526 F.2d
    553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby
    eliminating its function was an obvious expedient). Furthermore, it would have been
    obvious to one of ordinary skill in the art to sort the returned results in a multitude of
    formats to include with address information then without address information
    [relevance], for the advantage of charging different fee structures to either the user or the
    advertiser, depending on the amount of information provided.

40. As per Claim 35, Schultz and Cell Point disclose wherein presenting the selected one or
    more advertiser entries based at least in part on the user measured location information
    and the advertiser measured location information of the selected one or more advertiser
    entries includes: organizing a listing of the selected one or more advertising entries of the

second subset of the plurality of advertiser entries based at least in part on the user

measured location information, and the advertiser measured location information of the

selected one or more advertising entries of the second subset of the plurality of advertiser

entries; and organizing a listing of the selected one or more advertising entries of the

third subset of the plurality of advertiser entries.

41. As per Claims 54 and 56, Schultz and CellPoint disclose wherein the <u>retrieved one or</u>

<u>more advertiser entries are listed and organized</u> by the processor <u>to include</u> a first sub-

listing of one or more advertiser entries with advertiser measured location information.

42. Schultz and CellPoint fail to disclose a second sub-listing of one or more advertiser

entries without advertiser measured location information.

43. However, as explained above for independent Claim 15, Schultz discloses searching a

GIS-based search engine to create a "yellow page reference" (abstract), and sorting the

identified results according to a sorting criterion [relevance] (para 0024, para 0033, para

0049-0050). Furthermore, it would have been obvious to one of ordinary skill in the art

to sort the returned results in a multitude of formats to include with address information

then without address information [relevance], for the advantage of charging different fee

structures to either the user or the advertiser, depending on the amount of information

provided.

44. <u>As per Claims 63-66, Schultz and CellPoint fail to disclose wherein the process presents</u>

<u>the selected one or more advertiser entries in a manner that the advertiser entries of the</u>

<u>first subset are presented prior to the advertiser entries of the second subset.</u>

45. However, as explained above for independent Claim 15, Schultz discloses searching a

GIS-based search engine to create a "yellow page reference" (abstract), and sorting the

identified results according to a sorting criterion [relevance] (para 0024, para 0033, para

0049-0050). Furthermore, it would have been obvious to one of ordinary skill in the art

to sort the returned results in a multitude of formats to include with address information

then without address information [relevance], for the advantage of charging different fee

structures to either the user or the advertiser, depending on the amount of information

provided.

46. As per independent Claim 40, Schultz discloses a method of providing a location-based

yellow pages service, the method comprising: operating a yellow pages service, the

yellow pages service including a yellow pages database, the yellow pages database

including a set of advertiser entries, the set of advertiser including advertiser location

information (abstract, para 0016, Claim 1); receiving a request from a user to present

advertiser information corresponding to a user selected advertiser category and a user

selected advertiser subcategory (para 0016-0024, para 0040-0043, Claim 1); presenting a

list of advertiser information from the set of advertiser entries including advertiser

location information (abstract, para 0042-0044, Fig.2); and charging the advertisers

corresponding to the first set of advertiser entries a fee to include advertiser measured

location information in the yellow pages database (para 0046).

47. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each

advertiser entry of the second subset of advertiser entries lacks advertiser measured

location information, and wherein the list of advertiser information from the first set of

advertiser entries including advertiser location information is presented prior to

presenting a list of advertiser information from the second set of advertiser entries

lacking advertiser location information.

48. However, Schultz discloses searching a GIS-based search engine to create a "yellow page

reference" (abstract), and sorting the identified results according to a sorting criterion

[relevance] (para 0024, para 0033, para 0049-0050). Schultz also discloses including or

excluding additional advertising information with returned results (para 0051), and it

would have been obvious to include or exclude the address (location) information

provided to the end user (See In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965)

(Omission of additional framework and axle which served to increase the cargo carrying

capacity of prior art mobile fluid carrying unit would have been obvious if this feature

was not desired.); and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a

prior art switch member and thereby eliminating its function was an obvious expedient).

Furthermore, it would have been obvious to one of ordinary skill in the art to sort the

returned results in a multitude of formats to include with address information then

without address information [relevance], for the advantage of charging different fee

structures to either the user or the advertiser, depending on the amount of information

provided.

49. Schultz also fails to disclose wherein the received user location information is *measured*

location information determined using information obtained from a telecommunication

system.

50. However, CellPoint teaches being "automatically located on a map (through Cell Phone

integrated GSM positioning technology) and then guided to a destination address or

facility such as a restaurant, ATM, petrol station, drugstore, etc." ("CellPoint and

Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of

Cellular Phones," Business Wire, June 29, 2000).

51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included wherein the received user measured location

information is determined using information obtained from a telecommunication system,

as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of

providing a method of for providing location-based yellow pages information, with the

ability to increase efficiency and accuracy of the information by obtaining the user

location information automatically (GSM positioning technology).

52. As per independent Claims 42 and 51, Schultz discloses a method of providing a

location-based yellow pages service, the method comprising: operating a yellow pages

service, the yellow pages service including advertiser's information, the advertiser's

information including location information (abstract, para 0016); <u>receiving a request for</u>

<u>yellow page information from a user, the request including user location information and</u>

<u>a user selected advertiser category identifier; sending a user advertiser confirmation</u>

<u>query to the user; wherein sending the user advertiser confirmation query includes</u>

<u>sending one or more advertiser subcategories (Fig.2, para 0041); receiving a user</u>

<u>advertiser confirmation response from the user, wherein the user advertiser confirmation</u>

<u>response includes a user selected advertiser subcategory identifier; upon receiving the</u>

user advertiser confirmation response from the user, retrieving one or more first and second advertiser's information from the yellow page database (para 0016-0024, para 0040-0043, Claim 1), presenting the retrieved one or more advertiser's information in a manner that the advertiser's information are displayed (abstract, para 0042-0044, Fig.2); and charging the first advertiser an additional fee based at least in part on including measured location information as part of the first advertiser's information (para 0046).

53. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each advertiser entry of the second subset of advertiser entries lacks advertiser measured location information, and wherein the list of advertiser information from the first set of advertiser entries including advertiser location information is presented prior to presenting a list of advertiser information from the second set of advertiser entries lacking advertiser location information.

54. However, Schultz discloses searching a GIS-based search engine to create a "yellow page reference" (abstract), and sorting the identified results according to a sorting criterion [relevance] (para 0024, para 0033, para 0049-0050). Schultz also discloses including or excluding additional advertising information with returned results (para 0051), and it would have been obvious to include or exclude the address (location) information provided to the end user (See In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior art mobile fluid carrying unit would have been obvious if this feature was not desired.); and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby eliminating its function was an obvious expedient).

Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

55. Schultz also fails to disclose wherein the received user location information is *measured* location information determined using information obtained from a telecommunication system.

56. However, CellPoint teaches being "automatically located on a map (through Cell Phone integrated GSM positioning technology) and then guided to a destination address or facility such as a restaurant, ATM, petrol station, drugstore, etc." ("CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000).

57. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the received user measured location information is determined using information obtained from a telecommunication system, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).

58. As per independent Claim 62, Schultz discloses a system for providing location-based yellow pages information, the system comprising: a processor; a yellow page database

coupled to the processor, the yellow page database including a plurality of advertiser entries, wherein the plurality of advertiser entries includes a set of advertiser entries, each advertiser entry of the set of advertiser entries includes advertise location information; and a memory coupled to the processor, the memory storing a plurality of instructions configured to be executed by the processor, the plurality of instructions including location-based yellow pages database access instructions (abstract, para 0016, claims 27-35), and wherein the processor is configured to receive a request for yellow page information from a user, the request including at least one of a user location information, a user selected advertiser category and a user selected advertiser subcategory (para 0041); wherein the user is interactively communicable with the processor to refine the selection of the category and the sub-category (inherent); based on the request received from the user, retrieving one or more advertiser entries from the yellow page information database (para 0016-0024, para 0040-0043, Claims 27-35); and presenting the retrieved one or more advertiser entries (abstract, para 0042-0044, Fig.2).

59. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each advertiser entry of the second subset of advertiser entries lacks advertiser measured location information, and wherein the list of advertiser information from the first set of advertiser entries including advertiser location information is presented prior to presenting a list of advertiser information from the second set of advertiser entries lacking advertiser location information.

60. However, Schultz discloses searching a GIS-based search engine to create a "yellow page reference" (abstract), and sorting the identified results according to a sorting criterion

[relevance] (para 0024, para 0033, para 0049-0050). Schultz also discloses including or excluding additional advertising information with returned results (para 0051), and it would have been obvious to include or exclude the address (location) information provided to the end user (See In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior art mobile fluid carrying unit would have been obvious if this feature was not desired.); and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby eliminating its function was an obvious expedient). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

61. Schultz also fails to disclose wherein the received user location information is *measured* location information determined using information obtained from a telecommunication system.

62. However, CellPoint teaches being "automatically located on a map (through Cell Phone integrated GSM positioning technology) and then guided to a destination address or facility such as a restaurant, ATM, petrol station, drugstore, etc." ("CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000).

63. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the received user measured location information is determined using information obtained from a telecommunication system, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).

Response to Arguments

64. Applicant's arguments filed 6/23/03, with respect to <u>Claims 3, 10-15, 18-40, 42, 44-47, and 51-64</u>, have been considered but are moot in view of the new ground(s) of rejection.
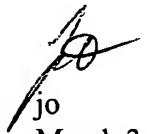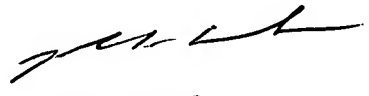
Conclusion

65. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

66. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

67. Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 306-5484.

/jo

March 3, 2004

JOHN G. WEISS
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TECHNOLOGY CENTER 3600